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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/769,954 | 01/25/2001 | Dmitriy Rumynin | 1365.039US1 | 5913 |

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

MALZAHN, DAVID H

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2124

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DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary

Application No.

09/769,954

Applicant(s)

RUMYNIN ET AL.

Examiner

David H. Malzahn

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 6, 8, 9 6) ☐ Other:

DETAILED ACTION

Double Patenting

1. Claims 1, 2 and 18-41 of this application conflict with claims 1-21 of Application No. 09/637,532. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 18-22, 26, 27, 30 and 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by both Vassiliadis and Niehaus.

Both Vassiliadis's Figs. 4 and 8A-8E and Niehaus' Figs. 1 and 3-8 illustrate a parallel counter that uses a logic circuit containing a plurality of logic units to count the number of "1" inputs and outputs the sum in a binary code where each output is a symmetric function of the binary input.

4. Claim 36 is rejected under 35 U.S.C. 102(b) as being anticipated by Chiu.

Chiu's Fig. 3 illustrates a logic circuit for multiplying two N bit binary numbers including an array generation logic (e.g. Stages 302, 304 and 306), followed by an array reduction logic (e.g. all the elements of Stage 308 except the CPA) and followed by addition logic (the CPA).

Claim Rejections - 35 USC § 112

5. Claims 1-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 the phrase "a symmetric function" appears to be mis-descriptive of the relationship between each output and the inputs, i.e. what is the definition of "a symmetric function" that makes the relationship true? Claim 2 and lines 1-3 of claim 3 are mis-descriptive, note Figs. 18 and 20. The "elementary logic units" of claims 9 and 12 fail to be clearly related to the "logic units" of claims 1 and 3. The language "any preceding claim" clearly makes claim 16 indefinite. Also, claims 16 and 18-20 should be rewritten as independent claims. Claims 18-20 are inconsistent with lines 2 of claim 1. To what disclosed subject matter, including drawings, does claims 18-20 correspond? Claims 23-25 and 27-29 are mis-descriptive because the described logic is not included in the parallel counter, i.e. where in the drawings is this subject matter shown? Lines 3-5 of claim 36 is mis-descriptive, note the top portion of Fig. 17 and Fig.

Art Unit: 2124

18. Where is the subject matter of claims 37 and 39 shown in the drawings, i.e. the subject matter appears to be mis-descriptive.

Claim Objections

6. Claim 41 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternate only. See MPEP § 608.01(n).

Priority

7. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Great Britain on 04 August 2000. It is noted, however, that applicant has not filed a certified copy of the 0019287.2 application as required by 35 U.S.C. 119(b).

It is noted that on Jan. 12, 2002, applicants filed a paper stating that the above identified foreign document was enclosed but said document does not appear in the file.

Specification

8. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Drawings

9. Fig. 26 does not appear to be described in the specification.

Art Unit: 2124


Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Malzahn whose telephone number is (703) 305-9762. The examiner can normally be reached on M-Th from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9762. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


David H. Malzahn
Primary Examiner
Art Unit 2124